



T. A. BLACKBURN LAW

TYRONE A. BLACKBURN

MEMBER OF
NY & NJ BAR

FEDERAL MEMBERSHIP
EDNY, SDNY, & DNJ

1242 EAST 80TH STREET, 3RD FLOOR
BROOKLYN, NY 11236

August 13, 2021

Via ECF

The Honorable Margo K. Brodie
225 Cadman Plaza East
Brooklyn, NY 11201

Re: **Murray et al. v. United Parcels Service, Inc., et al., No. 20-cv-01427 (EDNY.)**

Dear Chief Judge Brodie:

This law firm represents Plaintiff's Fari Murray, Carlos Palaguachi, Daniel Moyle, Roy Welsh, Warren Payne, Ahmed Radwan, and Robert Santiago ("Plaintiff's") in the above-referenced matter. I write in response to Defendant's opposition letter filed on August 13, 2021. Contrary to Defendants assertion, Plaintiffs are not attempting to file a 3rd amended complaint. As explained in the August 9th letter, the Declarations simple provides the Court with the actual photos, bank records, videos, and text messages referenced in the second amended complaint.

Defendants are only upset because they realize they cannot defend the fact that they intentionally stole time from the package delivery drivers. Plaintiff Murray's Declaration provides an exhibit from William Grey instructing him to reduce the driver's time.

Defendants are upset because they realize they cannot justify the unjust enrichment they received when Plaintiff Moyle and Plaintiff Welsh paid out of pocket to cover up automobile accidents and were never reimbursed for these expenses. Plaintiff Moyle and Plaintiff Welsh's Declarations provide exhibits of canceled checks, bank transactions/atm transactions, photos, and a video of them engaging in these activities.

These declarations do not present any new arguments. They are simply supplying the Court with the evidence to substantiate the claims raised in the second amended complaint, as well as the opposition to the motion to dismiss. Plaintiff Murrays Declaration and Exhibits are the actual items mentioned and quoted in the complaint. Plaintiff Moyle and Plaintiff Welsh only provide the Court with the exhibits that substantiate the claims raised in the complaint. No repleading is happening here, and the Plaintiffs are NOT requesting leave of Court to amend the complaint.



347-342-7432



tblackburn@tablackburnlaw.com



TABlackburnlaw.com



T. A. BLACKBURN LAW

As previously explained, and as explained to the Defendants, Plaintiffs Murray, Moyle, and Welsh all had difficulty in one way or another securing the bank statements (due to the age of the transactions), as well as securing the video and some of the text message exhibits due to the age of the devices and the location of the content. It was not possible for us to upload these documents when the answer to the motion was filed. Defendants seem to forget that we are in the middle of a global pandemic. Obtaining records such as these is difficult in normal times, much less during a global pandemic.

We ask the Court to review the Declarations and exhibits. If the Court feels, as Defendant wrongly proclaims, that this is an attempt by Plaintiff to replead (which it is not), the Court can simply choose to disregard them.

Thank you for your time and attention.

Respectfully Submitted,

Tyrone A. Blackburn, Esq.
Tyrone A. Blackburn, Esq.

Cc: All counsel of record (via ECF)